

IB

Union Calendar No. 503

99TH CONGRESS
2D SESSION

H. R. 5495

[Report No. 99-829]

To authorize appropriations to the National Aeronautics and Space
Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1986

Mr. FUQUA (for himself, Mr. LUJAN, Mr. NELSON of Florida, Mr. WALKER, Mr. VOLKMER, Mr. BOEHLERT, Mr. RALPH M. HALL, Mr. PACKARD, Mr. MINETA, Mrs. MEYERS of Kansas, Mr. ANDREWS, Mr. REID, Mr. SMITH of New Hampshire, Mr. GORDON, Mr. BARTON of Texas, Mr. SLAUGHTER, Mr. MONSON, Mr. CHAPMAN, Mr. BROWN of California, and Mr. LEWIS of Florida) introduced the following bill; which was referred to the Committee on Science and Technology

SEPTEMBER 16, 1986

Reported with amendments, committed to the Committee of the Whole House on
the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To authorize appropriations to the National Aeronautics and
Space Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That this Act may be cited as the "National Aeronautics and
2 Space Administration Authorization Act, 1987".

3 **TITLE I—NASA AUTHORIZATION**

4 SEC. 101. There is hereby authorized to be appropriated
5 to the National Aeronautics and Space Administration, to
6 become available October 1, 1986:

7 (a) For "Research and development", for the following
8 programs:

9 (1) Permanently manned space station,
10 \$410,000,000.

11 (2) Space transportation capability development,
12 \$450,500,000.

13 (3) Physics and astronomy, \$539,400,000.

14 (4) Life sciences, \$70,700,000.

15 (5) Planetary exploration, \$323,300,000.

16 (6) Solid earth observations, \$69,100,000.

17 (7) Environmental observations, \$357,900,000.

18 (8) Materials processing in space, \$40,900,000.

19 (9) Communications, \$114,500,000.

20 (10) Information systems, \$18,200,000.

21 (11) Technology utilization, \$13,300,000.

22 (12) Commercial use of space, \$27,000,000.

23 (13) Aeronautical research and technology,
24 \$376,000,000.

1 (14) Transatmospheric research and technology,
2 \$45,000,000.

3 (15) Space research and technology,
4 \$168,200,000.

5 (16) Tracking and data advanced systems,
6 \$14,100,000.

7 (b) For "Space flight, control and data communication",
8 for the following programs:

9 (1) Space shuttle production and operational capa-
10 bility, \$745,400,000.

11 (2) Space transportation operations,
12 \$1,524,700,000.

13 (3) Space and ground networks, communication,
14 and data systems, \$786,900,000.

15 (c) For "Construction of facilities", including land acqui-
16 sition, as follows:

17 (1) Construction of Central Computing Facility,
18 Johnson Space Center, \$9,000,000.

19 (2) Facilities for a permanently manned space sta-
20 tion as follows:

21 (A) Construction of addition to the Systems
22 Integration and Mockup Laboratory, Johnson
23 Space Center, \$5,000,000.

24 (B) Construction of Power Systems Facility,
25 Lewis Research Center, \$5,800,000.

1 (C) Modifications to Test Stand 300 for
2 Space Station Hydrogen/Oxygen Propulsion Sys-
3 tems Development, George C. Marshall Space
4 Flight Center, \$2,100,000.

5 (3) Construction of addition to Orbiter Processing
6 Facility Annex, John F. Kennedy Space Center,
7 \$3,400,000.

8 (4) Construction of Spacecraft Systems Develop-
9 ment and Integration Facility, Goddard Space Flight
10 Center, \$8,000,000.

11 (5) Construction of Engineering Support Building,
12 Jet Propulsion Laboratory, \$9,800,000.

13 (6) Modification of Uninterruptible Power System
14 in Space Flight Operations Facility, Jet Propulsion
15 Laboratory, \$2,600,000.

16 (7) Construction of Human Performance Research
17 Laboratory, Ames Research Center, \$9,400,000.

18 (8) Construction of Integrated Test Facility,
19 Dryden Flight Research Facility, \$17,500,000.

20 (9) Modifications to 8-Foot High Temperature
21 Tunnel, Langley Research Center, \$9,700,000.

22 (10) Construction of addition for Non-Destructive
23 Evaluation Research Laboratory, Langley Research
24 Center, \$2,000,000.

1 (11) Construction of the Second Tracking and
2 Data Relay Satellite System Ground Terminal Facility,
3 New Mexico, \$22,000,000.

4 (12) Repair of facilities at various locations, not in
5 excess of \$750,000 per project, \$24,000,000.

6 (13) Rehabilitation and modification of facilities at
7 various locations, not in excess of \$750,000 per
8 project, \$30,000,000.

9 (14) Minor construction of new facilities and addi-
10 tions to existing facilities at various locations, not in
11 excess of \$500,000 per project, \$7,000,000.

12 (15) Facility planning and design not otherwise
13 provided for, \$14,000,000.

14 In no case shall the total amount appropriated under para-
15 graphs (1) through (15) exceed \$166,300,000.

16 (d) For "Research and program management",
17 \$1,433,000,000.

18 (e) Notwithstanding the provisions of subsection (h), ap-
19 propriations hereby authorized for "Research and develop-
20 ment" and "Space flight, control and data communications"
21 may be used (1) for any items of a captial nature (other than
22 acquisition of land) which may be required at locations other
23 than installations of the Administration for the performance
24 of research and development contracts, and (2) for grants to
25 nonprofit institutions of higher education, or to nonprofit or-

1 ganizations whose primary purpose is the conduct of scientific
2 research, for purchase or construction of additional research
3 facilities; and title to such facilities shall be vested in the
4 United States unless the Administrator of the National Aero-
5 nautics and Space Administration (hereinafter in this Act re-
6 ferred to as the "Administrator") determines that the nation-
7 al program of aeronautical and space activities will best be
8 served by vesting title in any such grantee institution or or-
9 ganization. Each such grant shall be made under such condi-
10 tions as the Administrator shall determine to be required to
11 ensure that the United States will receive therefrom benefit
12 adequate to justify the making of that grant. None of the
13 funds appropriated for "Research and development" and
14 "Space flight, control and data communications" pursuant to
15 this Act may be used in accordance with this subsection for
16 the construction of any major facility, the estimated cost of
17 which, including collateral equipment, exceeds \$500,000,
18 unless the Administrator or his designee has notified the
19 Speaker of the House of Representatives and the President of
20 the Senate and the Committee on Science and Technology of
21 the House of Representatives and the Committee on Com-
22 merce, Science, and Transportation of the Senate, of the
23 nature, location, and estimated cost of such facility.

24 (f) When so specified and to the extent provided in an
25 appropriation Act, (1) any amount appropriated for "Re-

1 search and development", for "Space flight, control and data
2 communications", or for "Construction of facilities" may
3 remain available without fiscal year limitation, and (2) main-
4 tenance and operation of facilities and support services con-
5 tracts may be entered into under the "Research and program
6 management" appropriation for periods not in excess of
7 twelve months beginning at any time during the fiscal year.

8 (g) Appropriations made pursuant to subsection (d) may
9 be used, but not to exceed \$35,000, for scientific consulta-
10 tions or extraordinary expenses upon the approval or author-
11 ity of the Administrator, and his determination shall be final
12 and conclusive upon the accounting officers of the Govern-
13 ment.

14 (h) Of the funds appropriated pursuant to subsections
15 (a), (b), and (d), not in excess of \$100,000 for each project,
16 including collateral equipment, may be used for construction
17 of new facilities and additions to existing facilities, and for
18 repair, rehabilitation, or modification of facilities: *Provided*,
19 That, of the funds appropriated pursuant to subsection (a) or
20 (b), not in excess of \$500,000 for each project, including col-
21 lateral equipment, may be used for any of the foregoing for
22 unforeseen programmatic needs.

23 (i)(1) Funds authorized to be appropriated pursuant to
24 subsection (a)(1) may not be obligated or expended for the
25 purpose of reassigning any technical work responsibilities on

1 a permanently manned space station until after the passage
2 of 30 calendar days during which either House of Congress is
3 in session following the submission of a report by the Admin-
4 istrator to the Committee on Science and Technology of the
5 House of Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate.

7 (2) A report referred to in paragraph (1) shall include a
8 full justification in terms of—

9 (A) anticipated costs and benefits;

10 (B) management factors; and

11 (C) impacts on facility and personnel resources; of
12 any such proposed reassignments.

13 SEC. 102. Authorization is hereby granted whereby any
14 of the amounts prescribed in paragraphs (1) through (14), in-
15 clusive, of section 101(c)—

16 (1) in the discretion of the Administrator or his
17 designee, may be varied upward 10 percent, or

18 (2) following a report by the Administrator or his
19 designee to the Committee on Science and Technology
20 of the House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the Senate,
22 on the circumstances of such action, may be varied
23 upward 25 percent, to meet unusual cost variations,
24 but the total cost of all work authorized under such
25 paragraphs shall not exceed \$166,300,000.

1 SEC. 103. Not to exceed one-half of 1 percent of the
2 funds appropriated pursuant to section 101(a) or 101(b) may
3 be transferred to and merged with the "Construction of facili-
4 ties" appropriation, and, when so transferred, together with
5 \$10,000,000 of funds appropriated pursuant to subsection (c)
6 of section 101 (other than funds appropriated pursuant to
7 paragraph (15) of such subsection) shall be available for ex-
8 penditure to construct, expand, and modify laboratories and
9 other installations at any location (including locations speci-
10 fied in section 101(c)), if (1) the Administrator determines
11 such action to be necessary because of changes in the nation-
12 al program of aeronautical and space activities or new scien-
13 tific or engineering developments, and (2) he determines that
14 deferral of such action until the enactment of the next author-
15 ization Act would be inconsistent with the interest of the
16 Nation in aeronautical and space activities. The funds so
17 made available may be expended to acquire, construct, con-
18 vert, rehabilitate, or install permanent or temporary public
19 works, including land acquisition, site preparation, appurte-
20 nances, utilities, and equipment. No portion of such sums
21 may be obligated for expenditure or expended to construct,
22 expand, or modify laboratories and other installations unless
23 a period of thirty days has passed after the Administrator or
24 his designee has transmitted to the Speaker of the House of
25 Representatives and to the President of the Senate and the

1 Committee on Science and Technology of the House of Rep-
2 resentatives and to the Committee on Commerce, Science,
3 and Transportation of the Senate, a written report containing
4 a full and complete statement concerning (A) the nature of
5 such construction, expansion, or modification, (B) the cost
6 thereof including the cost of any real estate action pertaining
7 thereto, and (C) the reason why such construction, expan-
8 sion, or modification is necessary in the national interest.

9 SEC. 104. Notwithstanding any other provision of this
10 Act—

11 (1) no amount appropriated pursuant to this Act
12 may be used for any program deleted by the Congress
13 from requests as originally made to either the House
14 Committee on Science and Technology or the Senate
15 Committee on Commerce, Science, and Transportation,

16 (2) no amount appropriated pursuant to this Act
17 may be used for any program in excess of the amount
18 actually authorized for that particular program by sec-
19 tions 101(a), 101(b), and 101(d), and

20 (3) no amount appropriated pursuant to this Act
21 may be used for any program which has not been pre-
22 sented to either such committee,

23 unless a period of thirty days has passed after the receipt by
24 the Speaker of the House of Representatives and the Presi-
25 dent of the Senate and each such committee, of notice given

1 by the Administrator or his designee containing a full and
2 complete statement of the action proposed to be taken and
3 the facts and circumstances relied upon in support of such
4 proposed action.

5 SEC. 105. The President shall, on the date of the sub-
6 mittal to the Congress of a budget for the National Aeronau-
7 tics and Space Administration for fiscal year 1988, submit to
8 the Congress budget estimates for the recommended level of
9 program activity and subactivity funding for fiscal years 1989
10 and 1990 of a permanently manned space station.

11 SEC. 106. It is the sense of the Congress that it is in the
12 national interest that consideration be given to geographical
13 distribution of Federal research funds whenever feasible, and
14 that the National Aeronautics and Space Administration
15 should explore ways and means of distributing its research
16 and development funds whenever feasible.

17 SEC. 107. (a) The Government of the United States, on
18 behalf of the American people, requests that the Working
19 Group for Planetary System Nomenclature of the Interna-
20 tional Astronomical Union officially designate seven of the
21 ten moons recently discovered by the Voyager-2 spacecraft
22 near the planet Uranus in the names of the seven crew mem-
23 bers of the space shuttle Challenger who died in an explosion
24 of the Challenger on January 28, 1986.

1 (b) The names of the seven crew members are as
2 follows:

3 Francis R. Scobee, Commander.

4 Michael J. Smith, Pilot.

5 Judith A. Resnik, Mission Specialist.

6 Ellison S. Onizuka, Mission Specialist.

7 Ronald E. McNair, Mission Specialist.

8 Gregory B. Jarvis, Payload Specialist.

9 S. Christa McAuliffe, Teacher Observer.

10 SEC. 108. (a) It is the sense of the Congress that the
11 National Aeronautics and Space Administration should move
12 expeditiously to conduct a competition for alternative sources
13 of production for space shuttle solid rocket boosters. The Ad-
14 ministrator shall report to the Committee on Science and
15 Technology of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate every ninety days following the date of enactment of
18 this Act for a period of one year, describing the Administra-
19 tion's progress in carrying out this subsection.

20 (b) Nothing in this section shall be construed to direct
21 the Administrator to select and qualify a second source of
22 production for solid rocket boosters if the result of the compe-
23 tition described in subsection (a) would not produce signifi-
24 cant savings for the National Aeronautics and Space
25 Administration.

1 SEC. 109. Section 201 of the National Aeronautics and
2 Space Act of 1958 is amended to read as follows:

3 *“national aeronautics and space council*

4 “SEC. 201. (a) There is hereby established, in the Exec-
5 utive Office of the President, the National Aeronautics and
6 Space Council (hereinafter referred to as the ‘Council’) which
7 shall be composed of the following voting members—

8 “(1) the Vice President, who shall be Chairman of
9 the Council;

10 “(2) the Administrator of the National Aeronau-
11 tics and Space Administration, who shall be Vice
12 Chairman of the Council;

13 “(3) the Secretary of State;

14 “(4) the Secretary of Defense;

15 “(5) the Chairman of the Users’ Advisory Group
16 established by subsection (g).

17 “(b) The President may designate such other additional
18 advisory members of the council as he may ~~determine~~. *deter-*
19 *mine, including representatives of Federal offices having*
20 *statutory scientific, operational, or regulatory responsibilities*
21 *for space activities.*

22 “(c) The President shall from time to time designate one
23 of the members of the Council to preside over meetings of the
24 Council during the absence, disability, or unavailability of the
25 Chairman and Vice Chairman.

1 “(d) Each member of the Council may designate another
2 officer of his department or agency to serve on the Council as
3 his alternate in his unavoidable absence.

4 “(e) It shall be the function of the Council to advise and
5 assist the President, as he may request, with respect to the
6 performance of functions in the aeronautics and space field,
7 including the following functions:

8 “(1) survey all significant aeronautical and space
9 activities, including the policies, plans, programs, and
10 accomplishments of the United States, including all de-
11 partments and agencies of the United States engaged
12 in such activities, and other nations;

13 “(2) develop a comprehensive program of aero-
14 nautical and space activities to be conducted by depart-
15 ments and agencies of the United States;

16 “(3) designate and fix responsibility for the direc-
17 tion of major aeronautical and space activities;

18 “(4) provide for effective cooperation among all
19 departments and agencies of the United States engaged
20 in aeronautical and space activities and specify, in any
21 case in which primary responsibility for any category
22 of aeronautical and space activities has been assigned
23 to any department or agency, which of those activities
24 may be carried on concurrently by other departments
25 or agencies; and

1 “(5) resolve differences arising among depart-
2 ments and agencies of the United States with respect
3 to aeronautical and space activities under this Act, in-
4 cluding differences as to whether a particular project is
5 an aeronautical and space activity.

6 “(f) The head of any Federal department or agency rep-
7 resented on the Council is authorized to transfer, on a non-
8 reimbursable basis, positions and related funds of such agency
9 to the Council to assist it in carrying out its duties under this
10 Act.

11 “(g)(1) The Council shall establish a Users’ Advisory
12 Group composed of non-Federal representatives of industries
13 and other persons involved in *aeronautical and* space activi-
14 ties.

15 “(2) The Vice President shall name a Chairman of the
16 Users’ Advisory Group who shall be a member of the
17 Council.

18 “(3) The Council shall from time to time, but no less
19 than once a year, meet with the Users’ Advisory Group.

20 “(4) The function of the Users’ Advisory Group is to
21 ensure that the interests of industries and other non-Federal
22 entities involved in space activities, including in particular
23 commercial entities, are adequately represented in the
24 Council.

1 “(5) The Users’ Advisory Group may be assisted by per-
2 sonnel detailed to the Council.

3 “(h) The Council and the Users’ Advisory Group shall
4 not be subject to section 14(a)(2) of the Federal Advisory
5 Committee Act.”.

6 SEC. 110. The Administrator shall—

7 (1) review the findings and recommendations of
8 the National Commission on Space (established pursu-
9 ant to the National Aeronautics and Space Administra-
10 tion Authorization Act, 1985 (Public Law 98-361));
11 and

12 ~~(2) submit recommendations to the Committee on~~
13 ~~Science and Technology of the House of Representa-~~
14 ~~tives and the Committee on Commerce, Science, and~~
15 ~~Transportation of the Senate by December 31, 1986,~~
16 ~~regarding a long-range plan for implementation of the~~
17 ~~recommendations referred to in paragraph (1), which~~
18 ~~shall include an impact assessment of such implementa-~~
19 ~~tion on personnel, budget and other resources.~~

20 (2) *submit to the Committee on Science and*
21 *Technology of the House of Representatives and the*
22 *Committee on Commerce, Science and Transportation*
23 *of the Senate by February 1, 1987, a long-range plan*
24 *for implementing the findings and recommendations re-*
25 *ferred to in paragraph (1), including a broad assess-*

1 *ment of such implementation on personnel, budget and*
2 *other resources.*

3 **TITLE II—OFFICE OF COMMERCIAL SPACE**
4 **TRANSPORTATION**

5 SEC. 201. Section 24 of the Commercial Space Launch
6 Act (49 U.S.C. App. 2623) is amended by adding at the end
7 the following: "There is authorized to be appropriated to the
8 Secretary to carry out this Act \$586,000 for fiscal year
9 1987."

10 **TITLE III—SPACE TRANSPORTATION**
11 **RECOVERY**

12 SEC. 301. RETURNING THE SPACE SHUTTLE FLEET TO FLIGHT
13 STATUS.

14 (a) It is the sense of the Congress that the United States
15 must promptly restore its space transportation capabilities
16 and such restoration must be accomplished without deempha-
17 sizing other space programs.

18 (b) There are authorized to be appropriated for fiscal
19 year 1987 such sums as are necessary to safely return the
20 space shuttle fleet to flight status, and to achieve the next
21 launch of a space shuttle in the first quarter of calendar year
22 1988.

1 **SEC. 302. CONSTRUCTION OF A REPLACEMENT ORBITER.**

2 (a)(1) The Administrator shall promptly take such steps
3 as may be necessary to construct a fourth space shuttle orbit-
4 er as a replacement for the space shuttle orbiter Challenger.

5 (2) The construction required by paragraph (1) shall be
6 accomplished to the maximum extent possible by use of exist-
7 ing structural spares previously authorized and funded.

8 (b)(1) There are authorized to be appropriated for fiscal
9 year 1987 such additional sums as may be necessary to begin
10 the construction required by subsection (a).

11 (2) Funds authorized to be appropriated by sections
12 101(a), 101(c), and 101(d) of this Act shall not be used for
13 any construction required by subsection (a).

14 (c) The Administrator shall explore the availability of
15 private funding for construction of the replacement orbiter
16 authorized by subsection (a). The Administrator shall accept
17 private funding for such construction—

18 (1) if the Administrator finds such private funding
19 is available; and

20 (2) if the Administrator finds that such funding—

21 (A) is in the best interest of the United
22 States; and

23 (B) represents an amount tantamount to the
24 reasonable fair market value.

1 Private funding accepted under this subsection shall replace
 2 appropriated funding obligated or expended for such a re-
 3 placement orbiter.

4 (d) Title II of the National Aeronautics and Space Act
 5 of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the
 6 end the following:

7 "DONATIONS FOR SPACE SHUTTLE ORBITER

8 "SEC. 208. (a) The Administrator may accept gifts and
 9 donations of services, money, and real, personal, tangible,
 10 and intangible property, and use such gifts and donations for
 11 the construction of a space shuttle orbiter.

12 "(b)(1) The authority of the Administrator to accept
 13 gifts or donations pursuant to subsection (a) shall terminate
 14 five years after the date of the enactment of this section.

15 "(2) All gifts and donations accepted by the Administra-
 16 tor pursuant to subsection (a) which are not needed for con-
 17 struction of a space shuttle orbiter shall be used by the Ad-
 18 ministrator for an appropriate purpose—

19 "(A) in tribute to the dedicated crew of the space
 20 shuttle Challenger, and

21 "(B) in furtherance of the exploration of space.

22 ~~"(c) A~~ *The name of a space shuttle orbiter constructed*
 23 *in whole or in part with gifts or donations whose acceptance*
 24 *and use are authorized by subsection (a) shall be named*
 25 *'Challenger II', selected by the Administrator of the National*
 26 *Aeronautics and Space Administration from among sugges-*

1 *tions submitted by students in elementary and secondary*
2 *schools."*

3 **SEC. 303. USE OF EXPENDABLE LAUNCH VEHICLES.**

4 (a) It is the sense of the Congress that in order to
5 ensure reliable access to space the United States should uti-
6 lize the capability of expendable launch vehicles as well as
7 the space shuttle for placing government payloads into orbit.

8 (b) There are authorized to be appropriated for fiscal
9 year 1987 such additional sums as are necessary to procure
10 launch services for *United States Government* ~~government~~
11 satellites by expendable launch vehicles.

12 (c) No funding for such procurement is authorized under
13 title I of this Act.

14 **SEC. 304. SPACE SHUTTLE LAUNCH PRIORITIES.**

15 (a) The space shuttle shall be the primary United States
16 launch system for manned missions and missions needing its
17 unique capabilities and shall be available for other missions.

18 (b) The Administrator shall make best efforts to develop
19 a space shuttle launch manifest that—

20 (1) ensures that existing commitments of the Na-
21 tional Aeronautics and Space Administration to its cus-
22 tomers are met; and

23 (2) reflects the following priorities (in descending
24 order):

1 (A) Payloads deemed critical to the national
2 security.

3 (B) Significant civil government missions, in-
4 cluding those having limited launch ~~windows~~ *op-*
5 *portunities*.

6 (C) Government payloads other than those
7 referred to in subparagraphs (A) and (B).

8 (D) Payloads other than those referred to in
9 subparagraphs (A) through (C), including foreign
10 and commercial payloads.

11 (c) The Administrator shall submit the Administrator's
12 planned flight manifest to the Congress no later than Novem-
13 ber 1, 1986.

14 **SEC. 305. REIMBURSEMENT POLICY.**

15 The Administrator, before December 2, 1986, shall
16 submit to the Congress a ten year plan setting forth—

17 (1) a schedule for planned reimbursements from
18 the Department of Defense for space shuttle services;
19 and

20 (2) a schedule for the provision of such services.

21 **TITLE IV—ASSURED ACCESS TO SPACE**

22 **SEC. 401. SHORT TITLE.**

23 This title may be cited as the “Assured Access to Space
24 Act”.

1 **SEC. 402. FINDINGS.**

2 Congress finds that—

3 (1) The assurance of reliable access to space is
4 critical in order to meet national security, scientific,
5 and commercial objectives of the United States space
6 program.

7 (2) The United States space program (including
8 government and industry) must provide the assurance
9 of reliable and continued access to space.

10 (3) The United States should demonstrate reliabil-
11 ity by honoring existing launch commitments.

12 (4) In order to ensure reliable and continued
13 access to space, the United States should utilize the
14 capability of expendable launch vehicles and the Space
15 Shuttle.

16 (5) Provision of launch vehicles and services by
17 the private sector is an important complement to
18 United States launch capability, and Congress remains
19 committed to the findings contained in the Commercial
20 Space Launch Act (Public Law 98-575).

21 (6) The United States cannot concede the com-
22 mercial launch vehicle business to foreign competition.

23 **SEC. 403. PURPOSE.**

24 The purpose of this title is to assure reliable and contin-
25 ued access to space by providing for the utilization of com-
26 mercial expendable launch vehicle capability in order to meet

1 national security, scientific, and commercial objectives of the
2 United States space program.

3 **SEC. 404. PROCUREMENT OF LAUNCH SERVICES.**

4 (a) **AUTHORITY.**—The Administrator of the National
5 Aeronautics and Space Administration shall purchase,
6 through competitive procurement, expendable launch vehicle
7 services for the purpose of launching government payloads,
8 as aggregated by the Administrator. The services purchased
9 under this subsection shall be provided on a reimbursable
10 basis.

11 (b) **IMPLEMENTATION.**—The Administrator shall carry
12 out this section in a manner which fosters the development of
13 an expendable launch vehicle industry and complements the
14 medium launch vehicle procurement planned for national se-
15 curity payloads.

16 (c) **REPORT.**—The Administrator shall report to Con-
17 gress on how he will carry out this section no later than
18 ~~November 1, 1986~~ *January 15, 1987*. Such report shall in-
19 clude an estimate of the launch service requirements and pro-
20 curement plans for the 5 years following the date of enact-
21 ment of this Act.

22 **SEC. 405. DEFINITION OF DIRECT COSTS.**

23 Section 15(b) of the Commercial Space Launch Act is
24 amended by redesignating paragraphs (2) and (3) as para-

1 graphs (3) and (4), respectively, and by inserting after para-
2 graph (1) the following new paragraph:

3 “(2) For purposes of paragraph (1), direct costs shall not
4 include costs associated with meeting the space transporta-
5 tion needs of the United States.”.

6 **SEC. 406. RESPONSIBILITIES UNDER COMMERCIAL SPACE**
7 **LAUNCH ACT.**

8 ~~Section 5(a) of the Commercial Space Launch Act is~~
9 ~~amended to read as follows:~~

10 ~~“(a) The Secretary shall be responsible for carrying out~~
11 ~~this Act, and in doing so shall consult with other agencies to~~
12 ~~provide consistent application of licensing requirements under~~
13 ~~this Act and to ensure fair and equitable treatment for all~~
14 ~~license applicants.”.~~

15 *Section 5(a)(1) of the Commercial Space Launch Act is*
16 *amended to read as follows:*

17 *“(1) pursuant to authorization and subject to the*
18 *availability of appropriations, encourage and facilitate*
19 *commercial space launches by the private sector, in*
20 *consonance with the space policies of the United States*
21 *as established in public law; and”.*

22 **SEC. 407. SHUTTLE PRICING POLICY.**

23 **(a) AMENDMENTS.—**

24 (1) Section 202(2) of the National Aeronautics
25 and Space Administration Authorization Act of 1986

1 (Public Law 99-170; 42 U.S.C. 2466) is amended to
2 read as follows:

3 “(2) the efficient use of the Space Transportation
4 System;”.

5 (2) Sections 204 and 205 of such Act are amend-
6 ed to read as follows:

7 “SEC. 204. (a) The Administrator shall establish and
8 implement a pricing system to recover reimbursement in ac-
9 cordance with the pricing policy under section 202 from each
10 commercial or foreign user of the Space Transportation
11 System, which except as provided in subsection (c) shall in-
12 clude a base price of not less than \$74,000,000 for each
13 flight of the Space Transportation System in 1982 dollars,
14 and in no case shall be less than the price for a comparable
15 launch on a United States expendable launch vehicle.

16 “(b) Each year the Administrator shall submit to the
17 President of the Senate, the Speaker of the House of Repre-
18 sentatives, the Committee on Commerce, Science, and
19 Transportation of the Senate, and the Committee on Science
20 and Technology of the House of Representatives, a report,
21 transmitted contemporaneously with the annual budget re-
22 quest of the President, which shall inform the Congress on
23 the implementation of the shuttle pricing policy under this
24 section.

1 “(c) The Administrator may set a price lower than the
2 price determined under subsection (a), or provide no-cost
3 flights, for any commercial or foreign user of the Space
4 Transportation System who is involved in research, develop-
5 ment, or demonstration programs with the National Aeronau-
6 tics and Space Administration.

7 “SEC. 205. This title shall apply to flights of the Space
8 Transportation System beginning on and after January 1,
9 1988.”.

10 (b) APPLICABILITY.—The amendments made by sub-
11 section (a) shall not affect contracts entered into before the
12 date of the enactment of this Act.

13 (c) REPORT.—(1) Not later than 3 years after the date
14 of the enactment of this Act, the Administrator of the Nation-
15 al Aeronautics and Space Administration shall determine the
16 effectiveness of the amendments made by subsection (a) and
17 whether or not there has been demonstrated a competitive
18 domestic expendable launch vehicle capability, and shall
19 report the determinations to Congress.

20 (2) For purposes of paragraph (1), the existence of 3
21 contractual commitments between commercial users and a
22 launch service provider, made in good faith, to launch non-
23 government payloads, shall create a presumption of a com-
24 petitive domestic expendable launch vehicle capability.

Approved For Release 2011/09/27 : CIA-RDP87M01007R000501280009-3

Union Calendar No. 503

99TH CONGRESS
2D SESSION

H. R. 5495

[Report No. 99-829]

A BILL

To authorize appropriations to the National Aeronautics and Space Administration, and for other purposes.

SEPTEMBER 16, 1986

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Approved For Release 2011/09/27 : CIA-RDP87M01007R000501280009-3